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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/843,030	04/27/2001	Atsushi Tanaka	43890-511	7217
20277	7590	10/29/2004	EXAMINER	
MCDERMOTT WILL & EMERY LLP 600 13TH STREET, N.W. WASHINGTON, DC 20005-3096			LEMMA, SAMSON B	
			ART UNIT	PAPER NUMBER
			2132	

DATE MAILED: 10/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/843,030	TANAKA ET AL.
	Examiner Samson B Lemma	Art Unit 2132

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 27 April 2001.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-16 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-16 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date 5.
- 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

## ***DETAILED ACTION***

1. Claims **1-16** have been examined.

### ***Preliminary Amendment***

2. The preliminary amendment, submitted and requested for consideration by the applicant is acknowledged. The office action has been written after the submitted preliminary amendment is taken in to account.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. **Claims 11-16** are rejected under 35 U.S.C. 102(b) as being anticipated by Jeremy M. Isikoff (hereinafter referred as Isikoff) (U.S. Patent No 5,748,084)

5. **As per claim 11, Isikoff discloses** a method of evacuating data for portable information-processing device, said method comprising the steps of: (Column 1, lines 55-65) (“Portable information-processing device” is met laptop shown on fig 1, ref. Num “100”. When laptop is detected to be “abnormal” or being stolen, the sensitive data

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stored in the laptop are evacuated or transmitted as explained on column 1, lines 62-63; column 8, lines 42)

- (a) Detecting information for a situating condition of said portable information-processing device; (Column 8, lines 65-67; Column 9, lines 1-9; Column 8, lines 14-21)
- (b) Making a determination as to whether the situating condition is normal or abnormal based on the information of situating condition detected in said step (a); (Column 10, lines 32-36; Column 8, lines 62-67; Column 9, lines 1-14; Column 10, lines 8-10; "abnormal" is met to be when the device is stolen as defined on submitted disclosure on page 3, line 24)
- (c) Transmitting via wireless means to a pre-assigned device a data stored in a storage means of said portable information-processing device, when the determination made in said step (b) is abnormal. (Column 1, lines 55-65; Column 10, lines 32-38; Column 8, lines 22-42) (When laptop is detected to be "abnormal" or being stolen, the sensitive data stored in the laptop are transmitted as explained on column 1, lines 62-63. It is transmitted to a "pre-assigned device" which is met to be "clearing house service center" explained on column 8, lines 26 or "non-mobile computer" explained on column 8, line 33. When the portable device is stolen the files are transmitted to the pre-assigned device or the "clearing house service center" or to "non mobile computer" through "broad area RF/cell phone coverage" which is also wireless as explained column 8, line 28 or through another "Wireless communication" as explained on column 10, line 64)

6. **As per claim 12, Isikoff** discloses the method of evacuating data for portable information-processing device as applied to any of the claims 11 above. Furthermore Isikoff discloses the method, wherein said step (a) includes detection of information for a situating

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condition of a base unit device constituting said portable information-processing device.(Column 10, lines 32-38; column 8, lines 22-45; column 1, lines 55-65; Column 9, lines 1-9)

7. **As per claim 13, Alsikoff** discloses the method of evacuating data for portable information-processing device as applied to any of the claims 11 above. Furthermore Isikoff discloses the method, comprising the step of transmitting a message representing an abnormality via wireless means from said base unit device to a terminal device of said portable information-processing device, when the determination made in said step (b) is abnormal. (Column 1, lines 63-65) (When the laptop is stolen the beacon's in the laptop transmit a message or a signal that is trackable representing an indication that the laptop is stolen as explained on column 1, lines 63-65, and this meets the recitation of this claim)

8. **As per claim 14, Alsikoff** discloses the method of evacuating data for portable information-processing device as applied to any of the claims 11 and 12 above. Furthermore Isikoff discloses the method, wherein said pre-assigned device is said terminal device. (Column 8, lines 25-42) (As explained before the "pre-assigned device" is met to be either the "cleaning house service center" which stores the received data explained on column 8, lines 25-29 or "non mobile computer" which does the same thing as explained column 8, lines 42)

9. **As per claims 15 and 16 Isikoff** discloses a method of evacuating data for portable information-processing device as applied to claim 11 above. Furthermore Isikoff discloses a method of evacuating data for portable information-processing device, wherein the data stored in said first storage means is deleted when the transmission of the data stored in said first storage means to said pre-assigned device is completed. (Column 8, lines 42-45; column 1, lines 62-63)

### ***Claim Rejections - 35 USC § 103***

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

11. Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jeremy M. Isikoff (hereinafter referred as Isikoff) (U.S. Patent No 5,748,084) in view of Wong et al (hereinafter referred to as Wong) (U.S. Patent No. 6,356,196)

12. As per claim 1, Isikoff discloses

- A portable information-processing device comprising: (A portable information-processing device is met a laptop shown on figure 1, ref. Num “100”, Column 1, lines 48-65)
- A processor means (figure 4, ref. “Processor”)
- A first storage means; (figure 4, ref. “Memory”)
- A first wireless communication means; (Column 3, lines 30-35; Column 10, line 64; Column 5, lines 26-32) and
- A status detector means for detecting a situating condition of said portable information-processing device, (Column 1, lines 53-54; figure 4, ref. Num “101”; column

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8, lines 62-67; column 9, lines 1-9) ("status detector" means is interpreted by the office or met to be "tamperproof beacon unit" column 1, lines 53-54) wherein

- Said first wireless communication means transmits data stored in said first storage means to a pre-assigned device, when said processor means determines the situating condition of said portable information-processing device as being abnormal. (Column 1, lines 59-65; Column 8, lines 35-42; column 8, lines 46; column 10, line 64) ("abnormal" is met to be when the device is stolen as defined on submitted disclosure on page 3, line 24. When laptop is detected to be "abnormal" or being stolen, the sensitive data stored in the laptop are transmitted as explained on column 1, lines 62-63. It is transmitted to a "pre-assigned device" which is met to be "clearing house service center" explained on column 8, lines 26 or "non-mobile computer" explained on column 8, line 33. When the portable device is stolen the files are transmitted to the pre-assigned device or the "clearing house service center" or to "non mobile computer" through a "Wireless communication" as explained on column 5, line 26 or through "broad area RF cell phone coverage" which is also wireless as explained column 8, line 28 or column 10, line 64)

Furthermore, Isikoff discloses the processor or the microprocessor determines what actions need to be taken within the beacon or the detecting device inside the portable laptop. ( Column 5, lines 30-32)

**Isikoff** does not explicitly disclose

Said processor means makes a determination as to whether a situating condition of said portable information-processing device is normal or abnormal based on information output by said status detector means.

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However, in the same field of endeavor, **Wong** discloses a tracking beacon which emits characteristic radio signal when activated. (Column 4, lines 43-46). Wong discloses the alarm unit which has a motion detector shown on figure 2, ref. Num "15" detects subsequent unauthorized movement of the parcel. (Column 4, lines 56-58).

Wong also discloses that the processor or microprocessor based on the information signal from the motion detector shown on figure 2, ref. Num "15" determines that the parcel is stolen and the microprocessor orders the transmitter to emit a violation radio signal. (Column 7, lines 3-6)

It would have been obvious to one having ordinary skill in the art, at the time the invention was made, to combine the features making the decision made by the processor as to whether or not the parcel or a device is stolen as per teachings of Wong into the method taught by Isikoff, in order to make use of the microprocessor in determining the location of a stolen device; to provide theft protection and protect the integrity of the data contained in the stolen device if the device has stored vital information.

13. As per claim 2, the combination of Isikoff and Wong discloses the portable information-processing device as applied to claim 1 above. Furthermore **Isikoff** discloses the portable information-processing device comprising a base unit device and a terminal device , (figure 1, ref. Num "100" and Column 8, lines 31-42) (The base unit is met the laptop shown on figure 1, ref. Num "100" and the terminal device is met to be the "non mobile computer" explained on column 8, lines 31-42, the terminal device received the files from the base unit when the base unit is stolen as explained on column 8, lines 41-43) wherein

Said base unit device includes:

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- Said processor means; (figure 4, ref. "Processor")
- Said first storage means; (figure 4, ref. "Memory")
- Said first wireless communication means; (Column 3, lines 30-35; Column 10, line 64; Column 5, lines 26-32) and
- Said status detector means, (Column 1, lines 53-54; figure 4, ref. Num "101") ("status detector" means is interpreted by the office or met to be "tamperproof bacon unit" column 1, lines 53-54)

Said terminal device includes:

- A display means; and a second wireless communication means, (Column 8, lines 22-45; column 10, lines 64) (The Terminal device or the "non-mobile computer" explained on column 8, line 31 assumes to use the display unit to communicates with base unit or the laptop via the cellular network which is wireless, column 8, line 38; column 5, line 26)

and further wherein said

- Status detector means detects a situating condition of said base unit device, said first wireless communication means further transmits to said second wireless communication means a message representing abnormality, when said processor means determines the situating condition of said base unit device as being abnormal, and said terminal device displays on said display unit the message representing abnormality received in said second wireless communication means.(column 10, lines 32-38; column 8, lines 22-45; column 1, lines 55-65)

14. As per claim 3, the combination of Isikoff and Wong discloses the portable information processing device as applied to claim 2 above. Furthermore Isikoff discloses the portable

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information-processing device, wherein, said terminal device further includes a second storage means, said pre-assigned device is said terminal device, and said terminal device stores the received data of said first storage means into said second storage means.(Column 8, lines 25-29) (As explained before the "pre-assigned device" is met to be either the "cleaning house service center" which stores the received data from the stolen laptop as explained on column 8, lines 25-29 or "non mobile computer" which does the same thing as explained column 8, lines 42)

15. **As per claim 4** the combination of Isikoff and Wong discloses the portable information-processing device as applied to any of the claims 1, 2 and 3 above. Furthermore Isikoff discloses the portable information-processing device wherein said status detector means includes at least one of: a location survey means for geographically finding own location of said portable information-processing device; an acceleration detector means for detecting acceleration of said portable information-processing device; a vibration detector means for detecting vibration of said portable information-processing device; and an inclination detector means for detecting an inclination of said portable information-processing device. (Column 10, lines 26-31)

16. **As per claim 5 and 6** the combination of Isikoff and Wong discloses the portable information-processing device as applied to any of the claims 1, 2 and 3 above. Furthermore Isikoff discloses a method of evacuating data for portable information-processing device, wherein the data stored in said first storage means is deleted when the transmission of the data stored in said first storage means to said pre-assigned device is completed. (Column 8, lines 42-45; column 1, lines 62-63)

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17. As per claim 7, the combination of Isikoff and Wong discloses the portable information-processing device as applied to any of the claims 2 and 3 above. Furthermore Isikoff discloses the portable information-processing device wherein

- Said base unit device further includes a first location survey means for geographically finding own location, (column 3, lines 39-45; Column 1, lines 63-65; column 3, lines 30-36, figure 1, ref. Num "120"; column 10, lines 26-31)(the beacon's inside the laptop or base unit transmit a signal to the terminal device to locate its geographical location as explained on column 1, lines 63-65)
- Said terminal device further includes a second location survey means for geographically finding own location, ( column 8, lines 25-29; figure 1, ref. Num "110"; column 10, lines 26-31)
- Said second wireless communication means transmits to said base unit device a locational information of said terminal device detected by said second location survey means,(column 8, lines 25-29)
- Said status detector means outputs a transition information for locational relation between said terminal device and said base unit device, according to the locational information of said terminal device received in said first wireless communication means and a locational information of said base unit device detected by said first location survey means. (column 10, lines 26-31; column 3, lines 31-45)

18. As per claim 8, the combination of Isikoff and Wong discloses the portable information-processing device as applied to any of the claims 2 and 3 above. Furthermore Isikoff discloses the portable information-processing device wherein the data stored in said first storage means is added with at least one additional information of priority information and data selection information, and said first wireless communication means transmit the data stored in said first

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storage means to said pre-assigned device according to said additional information.( column 8, lines 39-42; column 8, lines 54-61)

19. As per claims 9 and 10, the combination of Isikoff and Wong discloses the portable information-processing device as applied to any of the claims 2 and 3 above. Furthermore Isikoff discloses the portable information-processing device wherein,

- Said terminal device further includes an input means for accepting a user to make an input manipulation (Column 8, lines 22-39) (the terminal device or the non-mobile computer has a user interface software is done with human/user intervention and configured to manipulate or carryout files back up from the base station or the laptop as explained on column 8, lines 22-39 meets the recitation of the claim.)
- Said second wireless communication means transmits to said first wireless communication means an operating data input to said input means, (Column 8, lines 35-39)
- Said base unit device transmits via said first wireless communication means to said second wireless communication means a processed data transacted according to said operating data received in said first wireless communication means, (Column 8, lines 39-42) and
- Said terminal device produces and displays on said display means an image data corresponding to said processed data received in said second wireless communication means. (column 8, lines 31-35) (the non-mobile computer or the terminal device which receives the files from the laptop or base station as explained on

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column 8, lines 31-35 assumes to have a display unit an image data of the processed or the retrieved data from the laptop or base unit.)

### **Conclusion**

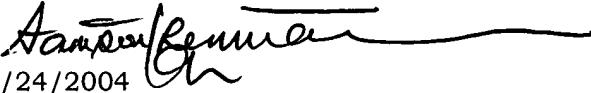
20. 1The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.(See PTO-Form 892).

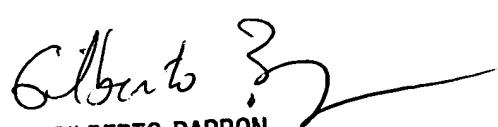
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Samson B Lemma whose telephone number is 571-272-3806. The examiner can normally be reached on Monday-Friday (8:00 am---4: 30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, BARRON JR GILBERTO can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SAMSON LEMMA

  
10/24/2004

  
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